IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2639 of 2007

CRIME NO.402/02 OF KOTTAKKAL POLICE STATION
SC.538/2003 of SUB COURT, MANJERI

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PETITIONER/ACCUSED:

MAKBOOL MANDAYIPPURAM, 34 YEARS,
S/O.MOIDEEN,PUTHUR P.O.,KOTTAOKAL,
MALAPPURAM DISTRICT.

BY ADV. SRI.TOMY JOHN VETTATH

RESPONDENT/COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM .

2. S.H.O., PAVARATHY POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.A.SALIM

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2639 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.402/02 of Kottakkal Police Station registered for offences punishable under Sections 323, 324, 326 and 308 IPC read with Section 34 thereof. the other accused in the case were committed to the Sessions Court and it is stated that after trail they are acquitted. According to the petitioner, he could not appear in the court below in the committal proceedings, as he was in Dubai since 2003. But, it is worthy to note that it was only on 27.11.2006 that the other accused were acquitted after trial in the sessions case. There is nothing to show that the petitioner was in Dubai from 2003 till 2007. In the circumstances, I am inclined to grant anticipatory bail to the petitioner imposing

stringent conditions only.

In the result, I allow this bail application and direct:

(i) the petitioner to surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) on such release the petitioner shall invariably appear on all posting dates of the case before the concerned Magistrate. In case of failure to appear on any posting date of the case, the cash security of Rupees ten thousand, which he may deposit shall stand forfeited to the Government and the learned Magistrate shall be entitled to treat

the bail as cancelled and to proceed against the petitioner and his sureties under Section 446 Cr.P.C.

4th May, 2007 (K.P.Balachandran, Judge)

tkv